

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 6/27/2025
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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AKANIYENE WILLIAM ETUK,  
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Plaintiff,  
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1:24-cv-4962-GHW

ORDER

-v-  
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CITY OF NEW YORK, *et al.*,  
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Defendants.  
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X

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GREGORY H. WOODS, United States District Judge:

On June 7, 2025, Magistrate Judge Stewart D. Aaron issued a report and recommendation recommending that the Court grant Defendants' motions to dismiss the Amended Complaint and grant Plaintiff leave to amend certain claims. Dkt. No. 45 (the "R&R").

A district court reviewing a magistrate judge's report and recommendation "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Parties may raise specific, written objections to the report and recommendation within fourteen days of receiving a copy of the report. *Id.*; *see also* Fed. R. Civ. P. 72(b)(2). Here, the R&R specifically stated: "The parties shall have fourteen (14) days (including weekends and holidays) from service of this Report and Recommendation to file written objections . . . THE FAILURE TO OBJECT WITHIN FOURTEEN (14) DAYS WILL RESULT IN A WAIVER OF OBJECTIONS AND WILL PRECLUDE APPELLATE REVIEW." R&R at 25.

The Court reviews for clear error those parts of a report and recommendation to which no party has timely objected. 28 U.S.C. § 636(b)(1)(A); *Lewis v. Zon*, 573 F. Supp. 2d 804, 811 (S.D.N.Y. 2008). No objection to the R&R was submitted within the permitted window. The Court has

reviewed the R&R for clear error and finds none. *See Braunstein v. Barber*, No. 06 Civ. 5978 (CS) (GAY), 2009 WL 1542707, at \*1 (S.D.N.Y. June 2, 2009) (explaining that a “district court may adopt those portions of a report and recommendation to which no objections have been made, as long as no clear error is apparent from the face of the record”). The Court, therefore, accepts and adopts the R&R in its entirety.

For the reasons articulated in the R&R, the Defendants’ motions to dismiss are GRANTED. The following of Plaintiff’s claims under 42 U.S.C. § 1983 against Defendants are dismissed without prejudice, with leave to amend: claim one (right to travel), claim two (right to privacy), claim five (excessive force), and claim six (false arrest). Additionally, Plaintiff’s claim under the Americans with Disabilities Act (“ADA”) against the City of New York is dismissed without prejudice, with leave to amend.

However, the following of Plaintiff’s claims against Defendants are dismissed with prejudice, without leave to amend: claim three (unauthorized legal determinations), claim four (failure to identify as police officers), claim eight (violation of the oath to “we the people”), claim nine (impersonation of a police officer), claim ten (employment by a foreign corporation); and any tort claims arising under state law. Plaintiff’s ADA claim against Officer Frias is also dismissed with prejudice.

Any Second Amended Complaint must be filed within 30 days from the date of this order. If Plaintiff does not file a Second Amended Complaint within the time allowed, the Court will direct the Clerk of Court to enter judgment for Defendants and to dismiss this action.

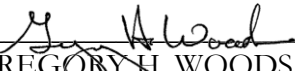
The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444–45 (1962).

The Clerk of Court is directed to mail a copy of this order to Plaintiff and to terminate the

motions pending at Dkt. Nos. 23, 36.

SO ORDERED.

Dated: June 27, 2025  
New York, New York

  
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GREGORY H. WOODS  
United States District Judge